

REMARKS

In the February 2, 2005 Office Action, the Examiner indicated that claims 1-26 were pending in the application and were rejected under 35 USC § 102(e) as anticipated by U.S. Patent No. 6,845,388 to Philyaw (Reference A). Claims 1-26 remain in the case. The Examiner's rejections are traversed below.

TV Application

The application is directed to an information conveying system using distribution material 31 (Fig. 3), 52 (Fig. 5), 61 (Fig. 6), etc. on which is printed pattern information, (e.g., 41 in Fig. 4 and illustrated in more detail in Fig. 2) using a multidimensional code. As initially described on pages 10-14, use of a multidimensional code results in an "amount of information which can be recorded per unit area [that] is significantly increased in comparison with the conventional barcode by recording information two-dimensionally, that is, in the horizontal and vertical direction" (page 10, lines 19-23). As noted in the next sentence, the density of information can be further "increased by using a color difference, etc." (page 10, lines 24-25) which is one way of using more than two dimensions. As noted on the following pages of the application, this enables the pattern information to include "multimedia information such as audio, a still image, a moving image, or ... a program, etc." (page 12, lines 14-16), compared to a conventional barcode that represents only numerical digits. As a result, the pattern information can be used to distribute "conveyance information" (e.g., page 4, line 17) that can, for example, include a "storage program [which] returns ... reply information, for example, by making a connection to a network" (page 4, lines 22-24) "based on the conveyance information restored from the pattern information" (page 5, lines 7-8). Many other alternative ways in which the conveyance information can be used to interact with a user by simply restoring the conveyance information from the pattern information are described in the specification and recited in the claims.

The Prior Art: U.S. Patent No. 6,845,388 to Philyaw

The Philyaw patent is directed to a system in which a bar code 1606 (Fig. 16) is read by a bar code scanner 1600 "from paper sources 1602 ... [or a] product itself" (column 17, lines 14-15) to obtain a "product 'identifier'" (column 17, line 52) which is used by a "program operating on the PC302 ... [to provide] routing information ... after launching the browser on the PC 302 and connecting to the ARS 308" (column 17, lines 53-55). The ARS 308 is connected to "a database 310 of product codes and associated manufacturer URLs" (column 8, lines 1-2), so that an "advertiser server address URL ... [can be] obtained from the ARS database 310 ... and

the request for the particular advertiser product information ... [can be] automatically routed back through the web browser on PC 302, over to the respective advertiser server for retrieval of the advertiser product information to the PC 302" (column 3, lines 7-13).

Rejection under 35 USC § 102(e)

In item 5 on pages 2-11 of the Office Action, claims 1-26 were rejected under 35 USC § 102(e). All of the independent claims have been amended to recite that the pattern information is in the form of "a multidimensional code" (e.g., claim 1, line 8). In comparison, as discussed above, Philyaw discloses the use of a bar code which, as discussed in the application, is a one-dimensional code that is read by scanning across a series of lines where the lines represent numbers based on their spacing (and thickness). As discussed above, use of a multidimensional code provides the benefit that much more information can be provided enabling operations to be performed by a consumer's computing equipment without the use of the advertiser database 310 in the system taught by Philyaw.

Specifically, as recited in claim 1, a returning unit returns "reply information of the conveyance information to at least one of the information provider side and the information distributor side based on the conveyance information that said restoring unit restored from the pattern information" (claim 1, last four lines). Similar limitations are recited in claims 3, 4, 6, 7, 20, 22 and 26. On the other hand, claim 2 recites "accumulating information returned from the consumer side in response to the conveyance information restored from the pattern information" (claim 2, last two lines) and similar limitations are recited in claims 5, 21 and 25. Since claims 8-19 depend from claim 7 and claim 23 depends from claim 21, it is submitted that at least claims 1-23, 25 and 26 patentably distinguish over Philyaw for the reasons discussed above.

Claim 24 recites a distribution material in which the pattern information includes "at least one of provision information that an information provider side provides to a consumer side, return information for returning reply information of the provision information, and a storage program for determining an environment of the consumer side" (claim 24, last four lines). Clearly, a bar code as taught by Philyaw does not constitute a storage program. It should be almost as readily apparent that the uniform product code (UPC) that is conventionally represented by a bar code is not "return information for returning reply information" (claim 24, line 4). Furthermore, it is submitted that a uniform product code that serves as an "identifier" as taught by Philyaw does not constitute "provision information that an information provider ... provides to a consumer" (claim 24, lines 3-4), since a consumer has no use for such an identifier, other than as a proof of

purchase or in combination with a system with a database like that taught by Philyaw. Therefore, it is submitted that claim 24 patentably distinguishes over Philyaw.

Other Comments

Several of the claims include the phrase "at least one of A, B and C" as an alternative expression that means one or more of A, B and C, contrary to the holding in *Superguide v. DIRECTV*, 69 USPQ2d 1865 (Fed. Cir. 2004), but consistent with the intended meaning of patent practitioners prior to the *Superguide* decision.

Summary

It is submitted that Philyaw does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-26 are in a condition suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 2, 2005, 2005
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